

**AGENDA**



**Recommendation for Council Action**

Austin City Council	Item ID	6690	Agenda Number	98.
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Meeting Date:	5/26/2011	Department:	Planning and Development Review
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Subject

Conduct a public hearing and consider an ordinance amending Title 2 and Title 25 of the City Code to authorize special exceptions and fee waivers for longstanding code violations that do not threaten public safety or negatively impact surrounding properties.

Amount and Source of Funding

Fiscal Note

<b>Purchasing Language:</b>	
<b>Prior Council Action:</b>	April 28, 2011 - Council set a public hearing for May 26, 2011.
<b>For More Information:</b>	Greg Guernsey, 974-2387; Sylvia Arzola, 974-6448
<b>Boards and Commission Action:</b>	
<b>MBE / WBE:</b>	
<b>Related Items:</b>	

Additional Backup Information

This amendment would recognize that conditions non-compliant with building permit and land use codes may exist on certain residential properties within the City of Austin and that many long-term property owners may not be aware of these conditions. As a means to address compliance and life safety issues and equitability, the proposed ordinance would allow an expansion of the City's amnesty program by authorizing the Board of Adjustment to grant a special exception in limited circumstances, as authorized by State law.

The special exception provision would apply only to an existing residential structure or a portion of an existing structure that violates a zoning setback, and only to a residential use that is permitted in a Family Residence (SF-3) zoning district (examples may include: detached single family residence, duplex residence or a two family residential use). The special exception may be granted after the building official performs an inspection and determines that the violation does not pose a hazard to life, health or public safety.

In addition, the Board of Adjustment may grant a special exception only after a noticed public hearing is held and after they make certain findings which may include the following: 1) the non-compliance/violation has existed for at least 25 years or at least 15 years, if the application for the special exception is submitted within two years from the effective date of the ordinance; 2) the use is a permitted use or a (legal) non-conforming use; 3) the structure does not share a lot with more than one other residential structure; and 4) the granting of the special exception would not alter the character of the area, impair the use of an adjacent property developed in accordance with the City Code or grant a special privilege that is inconsistent with other properties in the area in which the property is located.

The proposed ordinance will allow for a fee waiver or refund of the Board of Adjustment application fee and a refund for certain building related permit and inspection fees for the existing structures under certain circumstances for a period within two years from the effective date of the ordinance.